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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF OREGON

12 PORTLAND DIVISION

13 PATSY JAY,

14 Plaintiff,

15 v.
16 GRAND MANAGMENT SERVICES,
17 INC., EVERGREEN GARDENS
18 LIMITED PARTNERSHIP, JERRY
19 MASCOLO, LEONDRA COLEMAN,
and DAWN COCKRUM,

Defendants,

Case No. 3:23-cv-656-SI

**ANSWER OF DEFENDANT
EVERGREEN GARDENS**

Federal Fair Housing Act and
Negligence

DEMAND FOR JURY TRIAL

20 COMES NOW defendant, Evergreen Gardens Limited Partnership, by and
21 through its attorney, Nathan B. McClintock, and as and for an answer as to only those
22 allegations made against this answering defendant in the complaint on file herein,
23 admits, denies, and alleges as follows:

24
25 2.

26 Defendant denies each and every allegation of Plaintiff's complaint, except that
Defendant admits the first sentence of paragraph 1, paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10,
11, 12, 13, 21, 35, 39, 43 (regarding incorporation into claim only), 44, 46, 51 (regarding

1 incorporation into claim only), 55 (regarding incorporation into claim only), 59 (regarding
2 incorporation into claim only), the first sentence of paragraph 60.

3

4 Defendant lacks sufficient information and knowledge to admit or deny the
5 allegations of the second sentence of paragraph 1, paragraph 14, 16, 17, 19, 20, 22,
6 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, and, as such, deny the same.

7 AS AND FOR A FURTHER ANSWER AND FIRST AFFIRMATIVE DEFENSE,
8 Defendant alleges:

9

10 Plaintiff's complaint fails to state a claim upon which relief can be granted.

11 AS AND FOR A FURTHER ANSWER AND SECOND AFFIRMATIVE DEFENSE,
12 Defendant alleges:

13 At or about the time and place alleged in plaintiff's complaint, plaintiff was
14 negligent in one or more of the following particulars which was a substantial contributing
15 cause to her damages, if any:

- 16 1. Failing to comply with the terms of her rental agreement;
- 17 2. Failing to comply with the rules and regulations applicable to the
18 premises;
- 19 3. In voluntarily interacting with Mr. McKight following the incident involving
20 Mr. McKight which plaintiff alleges occurred in the plaintiff's apartment;

21 WHEREFORE, this answering Defendant prays that Plaintiff's complaint be
22 dismissed, and judgment be entered in favor of Defendant, and that Defendant recover
23 its costs, disbursements and attorney fees incurred herein.

24 DATED this 20th day of July, 2023.

25 CORRIGALL & McCLINTOCK

26 s/Nathan B. McClintock
NATHAN B. McCLINTOCK
OSB #841520
(541) 269-1123
Attorney for Defendant